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**UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

In re

NELSON VILLIANUEVA REYES AKA
NELSON V. REYES, NELSON REYES AND
CLAIRE DE LA CRUZ REYES AKA
CLAIRE D. REYES,

Debtors.

Chapter 13
Case No: 10-60823 SLJ

**OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY
FILED BY MOVANT, DEUTSCHE
BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
HARBOR VIEW MORTGAGE LOAN
TRUST, MORTGAGE LOAN PASS-
THROUGH CERTIFICATES, SERIES
2006-7.**

Date: August 30, 2011
Time: 10:00 a.m.
CTRM: 3099

Debtors, NELSON REYES and CLAIRE REYES, hereby oppose the Motion for Relief from Automatic Stay filed by Movant, DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR HARBOR VIEW MORTGAGE LOAN TRUST, MORTGAGE LOAN PASS-THROUGH CERTIFICATES, SERIES 2006-7, ("Movant" or "Deutsche"), regarding the real property commonly known as 46 Sierra Vista Place, San Jose, CA 95116 ("Subject

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Property”).

The Motion for Relief from Automatic Stay should be denied, as the accompanying documents filed by Movant do not show that Deutsche has any ownership interest in the Note and Movant has not provided any declaration showing that they have the original Note in their possession. The original lender is/was American Brokers Conduit (“ABC”) as named in the Deed of Trust. Deutsche does not provide or refer to an Assignment of the Deed of Trust or provide any other information or document showing that the Deed of Trust was assigned to them or that they have any other sort of interest in the Subject Property. Similarly, the Declaration in Support of Motion for Relief from Automatic Stay was done by a Jennifer Ward of American Home Mortgage Servicing, Inc., purported servicing agent for Deutsche, fails to explain how Deutsche has any interest in the Note, makes no mention of any assignment by ABC to Deutsche, and does not state that Deutsche has the Note in its possession. As such, there is a serious dispute as to who actually owns the Note and what interest Deutsche has, if any, in the Subject Property. Accordingly, this matter should be taken off calendar until the lender can provide evidence of ownership of the Note and entitlement to proceed under the Deed of Trust.

In the alternative, Debtors are willing to pay 31% of their gross monthly income in the amount of \$1,554.34 as adequate protection payments.

ELLAHIE & FAROOQUI LLP

Dated: August 25, 2011

/s/ Javed I. Ellahie
Javed I. Ellahie, Esq., Attorney for Debtors.

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